

MARK J. REICHEL, State Bar #155034  
THE LAW OFFICES OF MARK J. REICHEL  
455 CAPITOL MALL, 3rd FLOOR, Suite 350  
Sacramento, California 95814  
Telephone: (916) 498-9258  
FAX: (916) 441-6553  
[mark@reichellaw.com](mailto:mark@reichellaw.com)  
[www.reichellaw.com](http://www.reichellaw.com)

Attorney for Defendant  
RAFIC LABBOUN

**\*E-FILED - 11/5/09\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Case No. 09 -058 RMW
	)	
Plaintiff,	)	<b>STIPULATION OF THE PARTIES</b>
	)	<b>TO VACATE TRIAL AND PRETRIAL</b>
v.	)	<b>CONFERENCE DATES AND RE SET</b>
	)	<b>THE MATTER FOR STATUS</b>
	)	<b>CONFERENCE AND TO EXCLUDE</b>
RAFIC LABBOUN	)	<b>TIME UNDER THE SPEEDY TRIAL</b>
	)	<b>ACT; [] ORDER</b>
Defendant.	)	<b>THEREON</b>

IT IS HEREBY STIPULATED by and between the parties hereto through their respective counsel, HARTLEY M.K. WEST, Assistant United States Attorney, and MARK J. REICHEL, attorney for defendant Labboun, that the present dates for the trial confirmation hearing and jury trial shall be vacated and a new date for status conference set for November 30, 2009.

Defendant has just retained attorney Mark J. Reichel, Esq., to represent him in this matter. Defense counsel Reichel has a federal criminal trial which begins November

Stipulation and Order

1 17, 2009 in the Eastern District of California, United States  
2 v. Mark Anderson, Cr-s-07-096 LKK and which is expected to  
3 last through to January 1, 2010.

4 Defense counsel has not yet received the discovery  
5 in the present case. As well, defense counsel will need  
6 time to explore possible defenses, conduct investigation and  
7 prepare the matter. The United States had previously entered  
8 into an agreement with prior counsel for defendant, Nicholas  
9 P. Humy, Assistant Federal Defender, to vacate the currently  
10 set dates and re schedule them based upon Mr. Humey's health  
11 issues.

12 All counsel and defendant agree that time under the  
13 Speedy Trial Act from the date this stipulation is lodged  
14 through November 30, 2009 should be excluded in computing the  
15 time within which trial must commence under the Speedy Trial  
16 Act, pursuant to Title 18 U.S.C. § 3161 (H) (7) (A) and (B) (iv)  
17 for continuity of counsel and effective defense preparation.

18 DATED: November 4, 2009. Respectfully submitted,

19 \_\_\_\_\_ /s/

20 MARK J. REICHEL  
21 Attorney for Defendant

22 DATED: November 4, 2009.

\_\_\_\_\_ /s/

23 HARTLEY WEST  
24 Assistant U.S. Attorney  
25 Attorney for Plaintiff  
26  
27  
28

---

**O R D E R**

**GOOD CAUSE APPEARING**, upon stipulation of the parties, IT IS HEREBY ORDERED that the trial date and trial confirmation hearing dates be vacated and the matter be set for a status conference on November 30, 2009.

**THE COURT FINDS** that failing to exclude time between the lodging of this stipulation and November 30, 2009 would unreasonably deny the defendant's continuity of counsel and would unreasonably deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. **See** 18 U.S.C. § 3161 (H) (7) (A).

**THE COURT FURTHER FINDS** that the ends of justice served by excluding time between the lodging of this stipulation and November 30, 2009, from computation under the Speedy Trial Act outweigh the best interest of the public and the defendant in a speedy trial.

**THEREFORE IT IS HEREBY ORDERED** that time under the Speedy Trial Act from the date this stipulation is lodged through November 30, 2009 should be excluded in computing the time within which trial must commence under the Speedy Trial Act, pursuant to Title 18 U.S.C. § 3161 (H) (7) (A) and (B) (iv) for continuity of defense counsel and effective defense preparation and in the interests of justice.

IT IS SO ORDERED

DATED: November 11/5, 2009.



THE HONORABLE RONALD M. WHYTE  
United States District Court